

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Aberg *et al.*

Atty Dkt No.: 0701.001F

Serial No.: Unknown, Continuation of USSN 09/535,200

Filing Date: March 27, 2000

Examiner: Bawa, R.

Art Unit: 1619

Title: METHODS AND COMPOSITIONS FOR TREATING PULMONARY DISORDERS  
USING OPTICALLY PURE (*R,R*) FORMOTEROL

Assistant Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

**PRELIMINARY AMENDMENT UNDER 37 CFR 1.115**

Dear Sir:

This paper is filed contemporaneously with a filing under 37 CFR 1.53(b). Prior to examination of this continuation application, please amend the priority application as follows:

**I. In the specification:**

**A. Page 1, replace paragraph 1 (lines 4-25) with:**

-- Cross Reference to Related Applications

This application is a continuation of United States Serial Number 09/535,200, filed March 27, 2000 as a continuation of U.S. Serial Number 09/136,109 (now United States Patent 6,068,833), filed August 18, 1998 as a continuation of U.S. Serial Number 08/613,382 (now United States Patent 5,795,564), filed March 7, 1996 as a continuation-in-part of U.S. Serial Number 08/373,515 (now abandoned), filed January 12, 1995 as a continuation-in-part of U.S. Serial Number 08/222,319 (now abandoned), filed April 4, 1994 as a continuation of U.S. Serial Number 07/927,458 (now abandoned), filed August 10, 1992. U.S. Serial Number 09/136,109 also claims priority as a continuation-in-part of U.S. Serial Number 08/382,744 (now abandoned), filed February 2, 1995 as a continuation of U.S. Serial Number 08/223,798 (now abandoned), filed April 6, 1994 as a continuation of U.S. Serial Number 07/862,907 (now abandoned), filed April 3, 1992 claiming priority of Great Britain application 9107196.9, filed April 5, 1991. The entire disclosures of each of the prior applications are incorporated herein by reference. --

**2.) Page 28, replace the last paragraph (lines 22-26) with:**

-- The metered dose dispenser contains micronized (*R,R*) formoterol fumarate dihydrate in suspension. Each actuation delivers 6  $\mu\text{g}$  of (*R,R*) formoterol fumarate dihydrate from the mouthpiece. Each canister provides about 300 inhalations. --

The changes made by the foregoing amendments are shown on the following page.

Remarks

The specification has been amended to update the details of Applicants' claim for priority and to correct three typographic errors, obvious to the person of skill, and which are supported by original claims 9 and 10. No new matter has been introduced.

Respectfully submitted,



Candice J. Clement, Esq.

Attorney for Applicants

USPTO Registration Number 39,946

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579

Date: August 9, 2001

**Version with Markings to Show Changes Made**

I. In the specification:

A. The paragraph entitled "Cross Reference to Related Applications" is updated to include reference to the prior application and to include the status of each of the prior applications.

B. The last paragraph on page 28 of the specification is amended to correct three typographic errors:

The metered dose dispenser contains micronized (*R,R*) formoterol fumarate [dehydrate] **dihydrate** in suspension. Each actuation delivers 6 [Ag]  $\mu\text{g}$  of (*R,R*) formoterol fumarate [dehydrate] **dihydrate** from the mouthpiece. Each canister provides about 300 inhalations.